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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,741	02/06/2002	Gunter Wolf	A 91340	4781

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12/03/2003

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EXAMINER

LOPEZ, MICHELLE

ART UNIT

PAPER NUMBER

3721

DATE MAILED: 12/03/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

10/066,741

Applicant(s)

WOLF ET AL.

Examin r

Michelle Lopez

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-- The MAILING DATE of this communication appears on the cover sheet with the corresponding address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-13 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-13 is/are allowed.
- 6) ☒ Claim(s) 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment received on October 15, 2003.
2. Claims 1 and 14-15 been canceled.
3. New claim 16 been added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zimmermann (US Pat. 6,375,171) in view of Mansfield (US Pat. 3,841,255). Zimmermann' 171 discloses the invention substantially as claimed including an internal combustion engine (see col. 3, lines 36-39), a housing "4" defining a first component, a handle "3" defining a second component, a vibration damper "1" mounted between the housing and the handle, a coil spring "5" defining a longitudinal center axis (see Fig. 2) and having first and second end portions "20" and "10", first and second attachment elements "30" and "7". The coil spring "5" being securely attached at the first end portion "20" with the first attachment element "30" to the first component "4". The coil spring "5" being securely attached at the second end portion "10" with the second attachment element "7" to the second component "3". The coil spring "5" has several turns at first and second end portions "20" and "10" that form-tightly engaging with the respective attachment elements (see Fig. 2), and the first and second attachment elements "30" and "7" are disposed on the longitudinal center axis and lying at a distance axially opposite each other (see Fig.2).

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Zimmermann'171 does not specifically state a coupling member extending through the longitudinal center axis of the coil spring connected to the attachment elements. However, Mansfield teaches a coupling member (see Fig. 1, also see col. 4, lines 8-17) extending through the longitudinal center axis of the coil spring and connected to the attachment elements for the purpose of maintaining the connection of the two attachments elements avoiding an overextension of the coil spring. In view of Mansfield, it would have been obvious to one having ordinary skill in the art to have provided Zimmermann's invention including a coupling member extending through the longitudinal center axis of the coil spring connected to the attachment elements in order to provide a displacement limiter for the coil spring maintaining a connection of the two attachments elements.

Allowable Subject Matter

5. Claims 2-13 are allowed.

Response to Arguments

6. Applicant's remarks have been fully considered but they are not deemed persuasive.

7. Applicant contends that Zimmermann'171 does not show or suggest the need of a coupling member extending along the longitudinal center axis of the coil spring. In this instance case, even that Zimmermann'171 does not specifically state the need of a coupling member extending along the longitudinal center axis of the coil spring "5", it is deemed as been old and well-known in the art to have provided Zimmermann's invention with a coupling member extending along the longitudinal center axis of the coil spring "5" in order to limit the

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displacement of the coil spring “5” maintaining the connection of the two attachments elements “30” and “7”.

8. For the reasons above, the grounds of rejection are deemed proper.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

10. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle Lopez whose telephone number is 703-305-8205. The examiner can normally be reached on Monday - Thursday: 8:00 am - 6:00 pm.

12. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 703-308-2187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9302.

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13. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

ML



Rinaldi I. Rada
Supervisory Patent Examiner
Group 3700